

**From:** Duane Maxwell  
**To:** Microsoft ATR  
**Date:** 1/24/02 3:09am  
**Subject:** Microsoft Settlement

Dear Sir/Madam,

I wish to go on record as being opposed to the current proposed settlement in the anti-trust case against Microsoft. As a computer professional for nearly 25 years in various capacities, and as the founder of several software companies, I have witnessed firsthand the stifling effect that Microsoft's dominance and predatory business practices have had on the industry. Many times I have heard from investors that they would invest in a good idea except for the fear that Microsoft would leverage their operating system dominance to co-opt the market once it becomes lucrative. Witness the past situation with the web browsers, disk compression utilities, etc., and the current battles over multimedia, network services, instant messaging, and handheld computers.

The current settlement does nothing to punish Microsoft for its past behavior, nor does it meaningfully prevent the company from engaging in similar activities in the future. I hope that you will consider much more aggressive remedies in this case.

In particular, I would like to suggest one:

Prohibit Microsoft from distributing their OS software preinstalled on any computers for the term of ten years, and prohibit sales of hardware/software bundles and discounts containing Microsoft software. Customers would be required to pay for and install Windows independent of the computer hardware, which may contain other competing operating systems preinstalled. This would allow an opportunity for other current and future operating systems vendors to be able to make a pitch to customers that they offer a viable alternative. Much of Microsoft's dominance comes from their exclusionary practices with regard to preinstallation. It is nearly impossible to buy a Intel-compatible computer without Windows preinstalled, and Microsoft has used illegal business practices to assure that it stays that way.

Please give the customers a chance to make the choice denied them in the past.

Sincerely,

Duane Maxwell  
La Jolla, California